

REMARKS

Claims 41-60 are pending in this application. Applicant has cancelled Claims 21-40, including Claims 22, 29, 30, 31, 32, and 35-40 which were previously withdrawn from consideration, without prejudice, and Applicant has added new Claims 41-60. Applicant respectfully submits that the newly added Claims 41-60 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 41-60, is patentable over the prior art.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. DEFINITIONS:

Applicant uses the phrase "at least one of . . . and . . ." in certain of the claims. In each instance, the phrase "at least one of . . . and . . ." means only one item from the list, or any combination of items in the list.

Applicant respectfully submits that the phrase having the form "at least one of A and B", where each of A and B is either a term or a phrase, the phrase "at least one of A and B" means "only A, only B, or A and B". In instances in which three or more terms and/or phrases are present in an "at least one of . . . and . . ." phrase, Applicant provides the following example definitions: the phrase "at least one of A, B, and C" means "only A, only B, only C, or any combination of A, B, and C"; the phrase "at least one of A, B, C, and D" means "only A, only B, only C, only D, or any combination of A, B, C, and D"; the phrase "at least one of A, B, C, D, and E" means "only A, only B, only C, only D, only E, or any combination of A, B, C, D, and E", and so on.

For example, in independent Claim 41, the phrase "at least one of a ticket availability message and a ticket option availability message" means "only a ticket availability

message, only a ticket option availability message, or any combination of a ticket availability message and a ticket option availability message".

II. SUPPORT FOR THE NEWLY ADDED CLAIM 41-60:

Applicant provides the following support for the subject matter of each of the newly added Claims 41-60:

Applicant respectfully submits that support for the subject matter of newly added independent Claim 41 can, for example, be found in the originally filed Specification at page 40, line 4 to page 43, line 21; and page 52, line 11 to page 56, line 15; in the originally filed Drawings in FIG. 2A, Steps 202-206; and FIG. 3, Steps 301-303; and in originally filed Claims 1 and 20.

Applicant respectfully submits that support for the subject matter of newly added Claim 42 can, for example, be found in the originally filed Specification at page 44, line 1 to page 47, line 5; and page 56, line 16 to page 58, line 4; and in the originally filed Drawings in FIG. 2B, Steps 207-213; and FIG. 3, Step 306.

Applicant respectfully submits that support for the subject matter of newly added Claim 43 can, for example, be found in the originally filed Specification at page 48, line 6

to page 50, line 5; page 26, lines 4-9; and page 58, line 14 to page 59, line 18.

Applicant respectfully submits that support for the subject matter of newly added Claim 44 can, for example, be found in the originally filed Specification at page 46, line 12 to page 47, line 5; page 57, line 14 to page 58, line 4; and page 65, lines 1-16.

Applicant respectfully submits that support for the subject matter of newly added Claim 45 can, for example, be found in the originally filed Specification at page 22, lines 2-12; page 40, line 4 to page 49, line 11; page 44, line 13 to page 49, line 11; and page 50, line 6 to page 51, line 2.

Applicant respectfully submits that support for the subject matter of newly added Claim 46 can, for example, be found in the originally filed Specification at page 22, lines 2-12; page 40, line 4 to page 49, line 11; page 44, line 13 to page 49, line 11; and page 50, line 6 to page 51, line 2.

Applicant respectfully submits that support for the subject matter of newly added Claim 47 can, for example, be

found in the originally filed Specification at page 34, line 18 to page 35, line 9; and page 75, lines 1-15.

Applicant respectfully submits that support for the subject matter of newly added Claim 48 can, for example, be found in the originally filed Specification at page 35, lines 10-17; and in originally filed Claim 13.

Applicant respectfully submits that support for the subject matter of newly added Claim 49 can, for example, be found in the originally filed Specification at page 35, lines 10-17; and in originally filed Claim 13.

Applicant respectfully submits that support for the subject matter of newly added Claim 50 can, for example, be found in the originally filed Specification at page 35, line 10 to page 36, line 2; page 38, line 8-18; page 39, lines 4-10; and page 45, line 5-8.

Applicant respectfully submits that support for the subject matter of newly added Claim 51 can, for example, be found in the originally filed Specification at page 47, line 6 to page 48, line 5; page 58, lines 5-13; and page 65, line 17 to page 66, line 4; in the originally filed Drawings in FIG.

2B, Step 213; FIG. 3, Step 306; and FIG. 4, Step 406; and in originally filed Claims 10, 11, and 15.

Applicant respectfully submits that support for the subject matter of newly added Claim 52 can, for example, be found in the originally filed Specification at page 50, lines 6-18.

Applicant respectfully submits that support for the subject matter of newly added Claim 53 can, for example, be found in the originally filed Specification at page 50, lines 6-18.

Applicant respectfully submits that support for the subject matter of newly added Claim 54 can, for example, be found in the originally filed Specification at page 60, line 1 to page 63, line 14; and in the originally filed Drawings in FIG. 4, Steps 401-403.

Applicant respectfully submits that support for the subject matter of newly added Claim 55 can, for example, be found in the originally filed Specification at page 36, line 17 to page 39, line 19; page 40, line 4 to page 43, line 21;

page 50, lines 6-18; page 54, line 15 to page 55, line 2; and page 62, lines 4-14.

Applicant respectfully submits that support for the subject matter of newly added Claim 56 can, for example, be found in the originally filed Specification at page 36, line 17 to page 39, line 19; page 40, line 4 to page 43, line 21; page 50, lines 6-18; page 54, line 15 to page 55, line 2; and page 62, lines 4-14.

Applicant respectfully submits that support for the subject matter of newly added Claim 57 can, for example, be found in the originally filed Specification at page 70, line 11 to page 72, line 5.

Applicant respectfully submits that support for the subject matter of newly added Claim 58 can, for example, be found in the originally filed Specification at page 35, line 10 to page 36, line 2; page 50, lines 6-18; and page 43, line 11 to page 50, line 18.

Applicant respectfully submits that support for the subject matter of newly added Claim 59 can, for example, be found in the originally filed Specification at page 35, line

10 to page 36, line 16; page 50, lines 6-18; and page 43, line 11 to page 50, line 18.

Applicant respectfully submits that support for the subject matter of newly added Claim 60 can, for example, be found in the originally filed Specification at page 38, line 7 to page 47, line 5; and in the originally filed Drawings in FIGS. 2A and 2B, Steps 201-210, 211, and 213.

III. THE U.S.C. §112 REJECTIONS:

The Examiner rejected Claims 21, 23, 24, 25, 26, 27, 28, 33, and 34 under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The Examiner noted that: "Applicant recites a 'remaining portion' but fails to recite a portion that has been used to cause a portion to remain." As noted above, Applicant has cancelled Claims 21-40, including Claims 22, 29, 30, 31, 32, and 35-40 which were previously withdrawn from consideration, without prejudice, and Applicant has added new Claims 41-60.

Applicant respectfully submits that the newly added Claims 41-60 do not contain new matter. Applicant respectfully submits that the newly added Claims 41-60 do not contain the phrase "remaining portion". Applicant respectfully submits that the newly added Claims 41-60 are in compliance with 35 U.S.C. §112. In view of the foregoing, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §112 be withdrawn.

IV. THE U.S.C. §102(e) REJECTIONS:

The Examiner asserts that Claims 21, 23, 24, 25, 26, 27, 28, 33, and 34 are rejected under 35 U.S.C. §102(e) as being unpatentable over Nakfoor, U.S. Patent No. 6,496,809 (Nakfoor). As noted above, Applicant has cancelled Claims 1-20, including Claims 22, 29, 30, 31, 32, and 35-40 which were previously withdrawn from consideration, without prejudice, and Applicant has added new Claims 41-60. Applicant respectfully submits that the newly added Claims 41-60 do not contain new matter.

Applicant respectfully submits that the present invention, as defined by Claims 41-60, is patentable over the prior art.

**IVA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 41-60, IS
PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 41-60, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 41, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 41, is patentable over Nakfoor. Applicant respectfully submits that Nakfoor does not disclose or suggest many of the specifically recited features of independent Claim 41 and, therefore, Nakfoor does not disclose or suggest all of the features of independent Claim 41.

Applicant respectfully submits that Nakfoor does not disclose or suggest a computer-implemented method, comprising entering or receiving information regarding a ticket request or a ticket option request for at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of

the event, all of which features are specifically recited features of independent Claim 41.

Applicant respectfully submits that Nakfoor does not disclose or suggest entering or receiving information regarding the recited ticket request or the recited ticket option request for the recited at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event.

Applicant respectfully submits that Nakfoor does not disclose or suggest processing the information regarding a ticket request or a ticket option request with a processing device, and generating at least one of a ticket availability message and a ticket option availability message with the processing device, all of which features are still other specifically recited features of independent Claim 41.

Applicant respectfully submits that Nakfoor does not disclose or suggest processing the recited information regarding the recited ticket request or the recited ticket

option request with the recited processing device. Applicant further submits that Nakfoor does not disclose or suggest generating the recited at least one of a ticket availability message and a ticket option availability message with the recited processing device.

Lastly, Applicant respectfully submits that Nakfoor does not disclose or suggest transmitting the at least one of a ticket availability message and a ticket option availability message to a communication device associated with an individual or used by an individual, all of which features are still other specifically recited features of independent Claim 41.

Applicant respectfully submits that Nakfoor does not disclose or suggest transmitting the recited at least one of a ticket availability message and a ticket option availability message to the recited communication device associated with an individual or used by an individual.

In view of the foregoing, Applicant respectfully submits that Nakfoor does not disclose or suggest many of the specifically recited features of independent Claim 41 and,

therefore, Nakfoor does not disclose or suggest all of the features of independent Claim 41.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 41, is patentable over Nakfoor. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 41, is patentable over the prior art. Allowance of independent Claim 41 is, therefore, respectfully requested.

Applicant further submits that Claims 42-60, which Claims 42-60 depend either directly or indirectly from independent Claim 41, so as to include all of the limitations of independent Claim 41, are also patentable over the prior art as said Claims 42-60 depend from allowable subject matter.

Regarding Claim 42, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, further comprising receiving a response to the at least one of a ticket availability message and a ticket option availability message, wherein the response is transmitted from the communication device associated with an individual or used by an individual, and processing a

transaction regarding a purchase of the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event.

Regarding Claim 43, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 42, further comprising transmitting information regarding the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event to the communication device associated with an individual or used by an individual, and at least one of printing via a printer the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and displaying via a display device information regarding the at least one of a ticket for a

portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event.

Regarding Claim 44, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 42, further comprising at least one of effectuating a payment to an account associated with a seller of the ticket or the ticket option and effectuating a withdrawal from an account associated with the individual.

Regarding Claim 45, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event is a ticket.

Regarding Claim 46, Applicant respectfully submits

that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event is a ticket option.

Regarding Claim 47, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the at least one of a ticket availability message and a ticket option availability message is transmitted on or over at least one of the Internet and the World Wide Web.

Regarding Claim 48, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the communication device is a wireless device or a wireless telephone.

Regarding Claim 49, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the communication device is a personal digital assistant.

Regarding Claim 50, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the communication device is a kiosk or an automated teller machine.

Regarding Claim 51, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, further comprising generating a notification message containing information regarding a purchase of at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event, and transmitting the notification message to a communication device associated with a seller of the ticket or the ticket option.

Regarding Claim 52, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the computer-implemented method is performed during the event.

Regarding Claim 53, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the individual is located at the event or at a venue of the event.

Regarding Claim 54, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, further comprising entering or receiving information regarding an available buyer for the ticket or the ticket option, processing the information regarding an available buyer for the ticket or the ticket option with the processing device, generating a buyer availability message containing information that an available buyer exists for a ticket or a ticket option, and transmitting the buyer availability message to a communication device associated with a ticket holder or a ticket seller or used by a ticket holder or a ticket seller.

Regarding Claim 55, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, further comprising entering or receiving information regarding an available ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event when a

ticket holder is leaving a venue of the event or leaving the event during the event and prior to a completion or a conclusion of the event, wherein the information regarding a ticket request or a ticket option request is processed using the information regarding an available ticket, wherein the ticket availability message contains information regarding the available ticket.

Regarding Claim 56, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the computer-implemented method is used by the individual to upgrade a ticket during the event.

Regarding Claim 57, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, further comprising processing information regarding an auction of, or a bidding for, a ticket or a ticket option which is identified in the at least one of a ticket availability message and a ticket option availability message.

Regarding Claim 58, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the at least one of a ticket availability message and a ticket option availability message is transmitted to the communication device during the event, and further wherein the communication device is at least one of a wireless device, a wireless telephone, and a personal digital assistant.

Regarding Claim 59, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, wherein the at least one of a ticket availability message and a ticket option availability message is transmitted to the communication device during the event, and further wherein the communication device is a kiosk located at a venue associated with the event or a venue of the event.

Regarding Claim 60, Applicant respectfully submits that Nakfoor does not disclose or suggest the computer-implemented method of Claim 41, further comprising generating a second ticket availability message, wherein the second ticket availability message contains information regarding a ticket or a ticket option available for sale or resale prior

to a start of the event or a second event, transmitting the second ticket availability message to the communication device associated with an individual or used by an individual, receiving an offer to purchase the ticket or the ticket option, and processing information regarding a sale or a resale of the ticket or the ticket option.

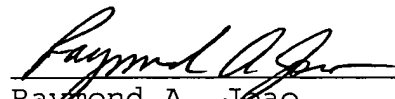
In view of the foregoing, Applicant respectfully submits that dependent Claims 42-60 are patentable over Nakfoor. In view of the foregoing, Applicant respectfully submits that dependent Claims 42-60 are patentable over the prior art.

Allowance of Claims 41-60 is, therefore, respectfully requested.

V. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 41-60 is, therefore, respectfully requested.

Respectfully Submitted,



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